

BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

RECEIVED

CENTRAL FAX CENTER

**601 SW SECOND AVENUE, #1900
PORTLAND, OREGON 97204**

FEB 18 2005

TEL: 503.425.6800
FAX: 503.425.6801
www.bannerwitcoff.com

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner M. Patterson	Byron S. Kuzara
COMPANY:	DATE:
USPTO	February 18, 2005
FAX NUMBER:	TOTAL NO. OF PAGES:
703-872-9306	23
RE:	OUR REFERENCE NO.:
Serial No. 10/620,837	005127.85919
NAME:	PHONE:
Lesa Wolman	503-425-6800

If you do not receive all page(s) or have any problems receiving this transmission, please call:

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORLAND,
OR

PTO/SB/97 (2-03)

Approved for use through 04/30/2003. OMB 0651-0091

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on 2/18/05.

Date

Byron S. Kuzara, #51,255

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Amendment (20 pages)
Fee Transmittal (1 page)

Serial No. 10/620,837
Attorney Docket No. 005127.85919

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8189 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/06/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
for FY 2005** Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 250.00)

Complete if Known	
Application Number	10/620,837
Filing Date	7/16/03
First Named Inventor	John Swigart, et al.
Examiner Name	M. Patterson
Art Unit	3728
Attorney Docket No.	005127.86919

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify) : _____

Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 30 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		Small Entity
			Fee (\$)	Fee (\$)	
72	- 71 or HP = 1	x 50	=	50	50 25

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		Multiple Dependent Claims
			Fee (\$)	Fee (\$)	
8	- 5 or HP = 1	x 200	=	200	200 100

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	- 100 = _____	/ 50 = _____ (round up to a whole number) x	=	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : _____

SUBMITTED BY		Registration No. (Attorney/Agent)	Telephone
Signature	<i>Byron S. Kuzara</i>	51,255	503-425-6800

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Committee for Petitions, P.O. Box 1450, Alexandria, VA 22313-1450.

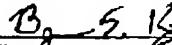
If you need assistance in completing this form, call 1-800-PTO-8789 (1-800-767-9199) and select option 2.

RECEIVED
CENTRAL FAX CENTER
FEB 18 2005

Certificate Of Transmission

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 872-9306 on February 18, 2005.

Respectfully submitted,


By: Byred S. Kuzara
Registration Number 51,255
Banner & Witcoff, Ltd.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 3728
John F. SWIGART, et al.) Examiner: Patterson, M.
Serial Number: 10/620,837) Attorney Reference: 005127.85919
Filed: July 16, 2003)
For: FOOTWEAR WITH A SOLE STRUCTURE)
INCORPORATING A LOBED FLUID-)
FILLED BLADDER)

AMENDMENT

Commissioner for Patents
Alexandria, VA 22313

Sir:

In response to the Office Action mailed December 16, 2004, please amend the above-captioned application as follows: